

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Osvaldo VIJIL-Nieto

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 25, 2019 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324

Offense Description

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet./S/Jose A. Martinez*Complainant's signature*Jose A. Martinez, Border Patrol Agent*Printed name and title*

Sworn to before me and signed in my presence,

Date: September 27, 2019*Judge's signature*City and state: Laredo, TexasDiana Song Quiroga, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

In support of Criminal Complaint

UNITED STATES OF AMERICA**CRIMINAL COMPLAINT****V.**

Osvaldo VIJIL-Nieto

Case Number:

1. On September 25, 2019, Border Patrol Agents (BPAs) at approximately 4:45 p.m. encountered a group of four subjects near the Santa Rita Subdivision in Laredo, Texas in Webb County. After an immigration inspection, BPAs determined that all subjects were illegally in the U.S. All subjects were arrested and transported to the BP station.
2. At the BP station BPAs identified a subject later identified as Osvaldo Vijil-Niero as the possible foot guide.
3. Osvaldo Vijil-Nieto was read his Miranda Rights by BPAs and was willing to make a statement without an attorney present. Vijil-Nieto stated that a man in Nuevo Laredo, Mexico hired him to cross and guide people into the U.S. for \$1000.00 MXN Pesos a person. Vijil-Nieto stated he told the group of illegal aliens to follow him. Vijil-Nieto stated that he was going to take the group to the first street of the neighborhood. Once at the street, Vijil-Nieto stated that he was going to call an unknown subject to pick them up. Vijil-Nieto added that he had successfully smuggled people into the U.S. over thirty (30) times.
4. Material Witness Jose Hemerlino Mendez-Rodriguez, a Guatemalan National, stated that his friend paid \$2,500.00 up front for him to be smuggled into the U.S. and an additional unknown amount was to be paid once he arrived to Houston, Texas. Mendez-Rodriguez stated that the foot guide assisted the group in illegally crossing the Rio Grande River then gave the group instructions. Mendez-Rodriguez stated while walking through the brush on the U.S. side, the guide told them to run and hide if they saw Border Patrol. Mendez-Rodriguez identified Osvaldo Vijil-Nieto as the foot guide in a six photo line-up.
5. Material Witness Yesica Yojana Clemente-Lucas, a Guatemalan National, stated that she paid \$30,000.00 Guatemalan Quetzals up front to be smuggled into the U.S. and she was to pay an additional \$65,000.00 Guatemalan Quetzals once he arrived to Washington. Clemente-Lucas stated that the foot guide told them to follow him. Clemente-Lucas stated that the foot guide assisted the group in illegally crossing the Rio Grande River then gave the group instructions while walking through the brush on the U.S. side. Mendez-Rodriguez identified Osvaldo Vijil-Nieto as the foot guide in a six photo line-up.

SUBSCRIBED and SWORN to before me on

27th

day of

September, 2019_____
Signature of Judicial Officer/S/ Martinez, Jose A. Border Patrol Agent_____
Signature of Complainant